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Letter dated 7 March 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

Since 24 December 1999, a methodical and sustained campaign of disinformation has created confusion and misunderstandings in the international community with regard to the current situation in Côte d'Ivoire.

Accordingly, on instructions from my Government, I have the honour to request that you have the text of this letter and its annex circulated as a document of the General Assembly under agenda item 114.

(*Signed*) Noël-Emmanuel **Ahipeaud Guebo**
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Annex to the letter dated 7 March 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

On 24 December 1999, 39 years after it became a sovereign State, Côte d'Ivoire experienced, for the first time in its history, an institutional change that did not result from an election.

After that date, the country underwent an extremely difficult transition that culminated on 26 October 2000, when the first President of the second (reorganized) Republic, Mr. Laurent Gbagbo, was sworn in before an assemblage of national personalities and international observers.

Since then, republican institutions, including, as mentioned above, the President of the Republic and a Government consisting of 28 Ministers and a National Assembly of 223 Deputies, have been in place and have been functioning normally.

Transition, which is defined as "the process of changing from one state or condition to another", is considered an exceptional situation; it represents the opposite of normality. Thus, in an exceptional situation, exceptional events will take place; the case of Côte d'Ivoire has not belied this assertion.

Nevertheless, Côte d'Ivoire, which for 39 years had been considered an integrated, open, sui generis democracy, was suddenly, because of difficult circumstances which, it might be added, lasted for only one year, exposed to contempt and considered an exclusionary, xenophobic country that continually violated human rights.

The Government of President Laurent Gbagbo has been further — and retroactively — besmirched by accusations that it was responsible for situations and acts, including some very distressing ones, which preceded it, and has become the victim of a cleverly orchestrated and perpetrated media lynching designed to demonize the country forever in the eyes of its friends, of investors and, in sum, of the whole international community, for political ends.

The Ivorian people cannot but protest such a lack of good faith, since the truth of the matter is completely different.

Indeed, the history of African independence had already predestined Côte d'Ivoire to be a country of openness: it was part of French West Africa, which included countries such as Upper Volta (Burkina Faso), Mali, Guinea and Senegal. An Ivorian civil servant might just as well have been assigned to Dakar, Conakry or Ouagadougou to perform his functions. Likewise, a Senegalese might have been assigned to the Abidjan postal, telephone and telecommunication service. Many family ties which now cross national boundaries were formed in the framework of this French West African dynamic, which naturally characterized the liberation struggle.

Aware that strength lies in unity, the leaders of the Rassemblement Démocratique Africain, in this case Felix Houphouet Boigny, understood that it would be suicide to fight in isolation. Consequently, the Rassemblement Démocratique Africain established sections in all the countries concerned, which fought without regard to national boundaries, the demarcation of which, by the 1885 Berlin Act, is considered arbitrary, although, for reasons of political realism and in order to avoid destabilizing the continent, this demarcation was confirmed by the Organization of African Unity.

Côte d'Ivoire became independent on 7 August 1960.

Aware of the importance of openness to a country, from the first hours of its independence, Côte d'Ivoire included this concept in two State symbols: the national motto and the national anthem. Indeed, the first word of the national motto is "union", meaning union within the country, African union and union with all the other countries of the international community.

The national anthem shows that the country's doors are open to all people of goodwill, from wherever they may come, by proclaiming Côte d'Ivoire the "country of hospitality".

Since 7 August 1960, Côte d'Ivoire has been, if not the only, at least one of the few countries in the world whose successive Governments have included Ministers (who are still alive today) from Senegal, Burkina Faso and Mali. They are, respectively, Mr. Amadou Thiam, Mr. Abdoulaye Sawadogo and Mr. Mohammed Diawara. Currently in retirement in Senegal, Mr. Amadou Thiam was, for many years,

Ambassador Extraordinary and Plenipotentiary of the Republic of Côte d'Ivoire to the Kingdom of Morocco.

Thus, the political history of Côte d'Ivoire, on the one hand, but also Ivorian law, on the other, amply demonstrate that the presumption of a link between Ivorian nationality and the occupation of a ministerial post in that country does not exist and is fundamentally reductive.

Since 7 August 1960, Côte d'Ivoire has prided itself on welcoming, to Ivorian soil, nationals of all its sister countries of the region, among others. It is pleased and proud to host, at the present time:

- Three million of its brothers from Burkina Faso;
- Two million of its brothers from Mali;
- One million of its brothers from Senegal;
- Five hundred thousand of its brothers from the Niger;
- Five hundred thousand of its brothers from Guinea;
- Five hundred thousand of its brothers from other African countries.

It is well known that 35 per cent of the Ivorian population consists of foreign nationals.

No country in which 35 per cent of the inhabitants are foreigners can reasonably be accused of xenophobia and exclusionism, except out of a lack of good faith.

It must be acknowledged that the situation has gone well beyond the threshold of tolerance, since, at this rate, Ivorians will end up as foreigners in their own country. Nonetheless, they continue to live on good terms with their foreign brothers.

These foreign brothers play an undeniable role in the Ivorian economy, as shown by the following examples, to name only a few:

- The fish and meat industry is monopolized by nationals of Mali, Senegal and the Niger;
- Transport is in the hands of the Malians, Guineans and Lebanese;
- Cabinetmaking is practised almost exclusively by the Togolese, Ghanaians and Beninese;
- Small neighbourhood businesses and redistribution are carried on by the Nigerians, Lebanese, Mauritanians and others;
- Our brothers from Burkina Faso are very widely established in the agricultural sector.

This situation is in no way offensive to Ivorians. However, in connection with the highest function of the State, the sovereign people of Côte d'Ivoire, in the constitutional referendum of 23 July 2000, decisively closed the debate on the question of candidates' nationality by 86.53 per cent of the votes cast, with a participation rate of 55.05 per cent.

In this regard, it should be noted in passing that, in the presidential and legislative elections held in the last quarter of 2000, the Supreme Court of the State of Côte d'Ivoire did not deny Ivorian nationality to any candidate.

The highest jurisdiction of the State merely indicated, in its statement of reasons, that the questionable authenticity of the documents produced by some candidates in support of their applications for candidacy, as well as the contradictions discovered within each document and between different documents, made it impossible to establish with certainty the Ivorian nationality of those candidates. It was therefore the candidates' responsibility to produce documents which were free of all suspicion.

Drawing the lesson from many examples both at home and elsewhere in the world, notably in some Latin American countries, the sovereign people of Côte d'Ivoire has decided to guard against chameleon citizenship by reserving the country's highest office for a genuine son of the soil.

There is nothing new in this. Examples of it are plentiful.

Identifying the foreigners in its territory is neither xenophobia nor exclusion. It is the attitude of a responsible country that wishes to institute a clearly understood immigration policy in order to ensure the safety of property and persons, and then control migration flows, as well as population growth, in the context of rational development planning.

Inviting foreign nationals to stand aside from the national political debate, leaving it to Ivorians alone to elect the President of the Republic and the members of the National Assembly, has nothing to do with

xenophobia or exclusion. It stems from the application of the rule of international law relating to non-intervention in the internal affairs of States.

It is also a matter of the exercise of the right of peoples to self-determination, an essential aspect of which is the right of peoples to choose their leaders themselves, on their own. In short, it is the matter of the exercise of national sovereignty. All of these principles are recognized by the Charter of the United Nations as well as by the relevant resolutions of the General Assembly.

All Ivorians living abroad show strict respect for these principles. Reciprocity is a rule of international law.

In the past, it was asserted that Muslims in Côte d'Ivoire were persecuted, and hence excluded from public life.

Once again, nothing could be further from the truth.

In fact, and this should be emphasized here, it was at the start of the 1990s, in the time of President Houphouet Boigny, that Mr. Laurent Gbagbo, then President of the Front populaire ivoirien, allowed the opening of an embassy of Côte d'Ivoire in Saudi Arabia, "in order to help our Muslim brothers", as he said. The then political activist, today President of the Republic of Côte d'Ivoire, has remained constant in this conviction. The building of the Ivorian nation forms part of his Government's programme, and the Government's composition is in conformity with this conviction, in that it is made up people of all faiths. It should be noted in passing that the person occupying the second highest post in the Ivorian State, the President of the National Assembly, Mr. Mamadou Coulibaly, is a Muslim.

In the context of the presidential and legislative elections, the files of a very large number of non-Muslim candidates were rejected. The files rejected by the Supreme Court were rejected for defects of form or substance, in accordance with the Constitution or the electoral law, with no reference to the religion practised by the candidate in question.

After 38 years of good understanding between Ivorian Muslims and their brothers of other faiths, why in the space of one year should Muslims be suddenly persecuted?

The truth is that the introduction of the religious virus into Ivorian political debate is the result of an unsavoury political manipulation the secret of which is known only to those who wish to reign over ashes.

Muslims are not and will not be persecuted in Côte d'Ivoire. Côte d'Ivoire is a pluralistic nation.

After the Muslims, this information is once again circulating rumours that people from Burkina Faso are also persecuted in Côte d'Ivoire.

Linked by history and geography, Burkina Faso and Côte d'Ivoire had no choice but to live together and understand one another. Thus it is not fair to assert that people from Burkina Faso are persecuted in Côte d'Ivoire. This entire situation, which in fact, it must be emphasized in the cause of being successfully resolved, results from a genuine misunderstanding.

When at the very outset of the two countries' independence our brothers from the then Upper Volta arrived in what was then the Ivory Coast, they benefited from the great generosity of their Ivorian hosts, who lent them plots of cultivable land. Our guests kept this land for a number of years, and ended up concluding that they had become its owners.

In Côte d'Ivoire, however, land, which is governed by customary law, belongs to the village families, and is absolutely non-transferable. This right of land ownership is inprescriptible.

Since the end of the 1980s, Ivory Coast has been hard-hit by the economic crisis, with its accompanying casualties.

Under the circumstances, for those who could no longer continue their studies or were unable to find a job, returning to their land was the alternative solution strongly encouraged by the Government.

It was then that misunderstandings arose between the people from Burkina Faso who believed that they owned the land they had been cultivating for a number of years and the Ivorian owners now want to let their heirs till the land for the benefit of the families that owned it.

The problem is thus fundamentally socio-economic, and in no way a matter of the xenophobic harassment some people are presenting it as. In addition, it must be emphasized that in many regions the issue of land ownership has given rise to the same misunderstandings and the same difficulties among

Ivorians themselves, and has led to clashes, but without provoking any general outcry.

In any event, the Government has set up a commission to work for reconciliation.

Côte d'Ivoire is very committed to and very respectful of human rights.

In the fifth preambular paragraph of the Constitution, it:

> "Proclaims its adherence to the rights and freedoms defined in the Universal Declaration of Human Rights of 1948 and in the African Charter of Human and People's Rights of 1981".

Article 2 provides that:

> "The human person is sacred.
>
> "All human beings are born free and equal before the law. They enjoy inalienable rights, namely the right to life, to freedom, to the development of their personality and to respect for their dignity.
>
> "The rights of the human person are inviolable. The public authorities have the obligation to ensure their respect, protection and promotion.
>
> "Any penalty entailing the loss of human life is prohibited."

It is thus apparent that in Côte d'Ivoire capital punishment is prohibited by the basic law.

A country that did not respect human rights could not have such provisions in its Constitution.

And again, in the programme for society, as in the programme of President Laurent Gbagbo's socialist Government, respect for human rights occupies a leading place; man remains the centre of the concerns of Government activity.

It was for this reason that, following the painful events that cast a tragic shadow over Côte d'Ivoire, the Government:

(a) Proclaimed a day of the matters of the transition;

(b) Decided to put up a monument to the martyrs of the transition;

(c) Still more, ordered inquiries chose to bring the truth to light and punish those who were truly guilty of excesses. These inquiries, which will last as long as they need to, are under way, with the participation of a number of international observers and non-governmental organizations.

Is this the attitude of a country :hat flouts human rights? We do not think so.

In any event, responsibility, whether individual or that of a State, can be attributed only to the perpetrator of the act in question. No one may be accused or tried for an act he did not commit.

The Government of the second Republic of Côte d'Ivoire cannot be placed on the index for acts committed prior to the time when it assumed office.

The three series of measures referred to above were taken by the Government not because it is guilty, but on the one hand out of conviction and on the other hand in order to assume and ensure the continuity of the State. That should be understood. Is the Government of the Republic of Côte d'Ivoire, in the name of human rights, to sabotage itself by violating the laws it has enacted for itself, in order to allow anarchy to take hold, thus reverting to the vicious circle of the absence of a State that is conducive precisely to inappropriate action and to human rights violations, violations which later it will once again be blamed for?

Not to mention that it would in the end be charged with weakness.

Côte d'Ivoire is governed.

- Enacting laws is a dimension of human rights.
- Ensuring security of the citizens by creating an environment of peace conducive to the all-round development of the individual is a dimension of human rights.
- The citizen's duty to obey his country's laws is a counterpart to and a dimension of human rights.
- The citizen's duty to abide by the verdict of the majority is a counterpart to and a dimension of human rights.

Upon analysis, it must be pointed out that finally, the concept of "human rights" should be treated with the greatest parsimony, for it has a number of facets. It is not unilateral. The concept of "human rights" is dual.

It relates to both the individual and the State. It is at the same time a right and a duty.

Côte d'Ivoire is a democratic State that respects human and citizen's rights. It is at a sensitive turning point in its history. Without major financial resources and simultaneously, it has to take up the challenges called for by hunger, employment, health, AIDS, education, the degradation of the environment, etc. Côte d'Ivoire wishes to reconcile itself with the international community and resume its place in the concert of nations. The time for condemnation, which moreover was unjustified, has passed.

More than ever, this country, the motor of the West African subregion, wishes to be able to count on the understanding and contribution of its friends, of donors including the Bretton Woods institutions, the Club of Paris, and the G-8 of donors and, in short, of international cooperation.

(*Signed*) Noël-Emmanuel **Ahipeaud Guebo**
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